

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DANIEL BRENTON,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-09-288-M
)	
MIKE MULLIN, Warden,)	
)	
Respondent.)	

ORDER

On May 7, 2009, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this action concerning Petitioner, Daniel Brenton, a prisoner appearing *pro se*, and his motion for leave to proceed *in forma pauperis*. The Magistrate Judge recommended the Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 be dismissed as it is time-barred, and that Petitioner's request for voluntary dismissal of the Petition to allow him to exhaust state court remedies also be denied.


Petitioner was advised of his right to object to this Report and Recommendation with the Clerk of this Court by May 27th, 2009, in accordance with 28 U.S.C. § 636 and LCvR 72.1. On May 22, 2009, Petitioner filed an "Objection" to States (sic) Response and Recommendation.

Upon de novo review, the Court:

- (1) ADOPTS the thorough and well-reasoned Report and Recommendation issued by the Magistrate Judge on May 7, 2009 [Dkt. #12];
- (2) OVERRULES Petitioner's Objection to the State's Response and Recommendation [Dkt. # 13];
- (3) DISMISSES the Petition for a Writ of Habeas Corpus [Dkt. # 1] as time-barred; and

(4) DENIES the Petitioner's request for voluntary dismissal of the Petition to allow him to exhaust state court remedies.

IT IS SO ORDERED this 29th day of May, 2009.


VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE